



The Gazette of India.

PUBLISHED BY AUTHORITY.

DELHI, SATURDAY, FEBRUARY 18, 1922.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, in order to provide for the award of costs by way of compensation in respect of false and vexatious claims or defences in civil suits or proceedings was presented to the Legislative Assembly on the 13th February, 1922 :—

We, the undersigned, Members of the Select Committee to which the Bill further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, in order to provide for the award of costs by way of damages in respect of false or vexatious claims or defences in civil suits or proceedings was referred have considered the Bill, and have now the honour to submit this our Report, with the Bill as amended by us annexed hereto.

2 *Clause 2* — We consider it unnecessary to make the provisions of the Bill applicable in the case of a memorandum of appeal or a written statement by a respondent in an appeal. We also think that the retention of the reference to appeals might not be altogether free from danger. We have made amendments accordingly in this clause and clause 3.

We have further, in sub-section (1) of the proposed new section 35A, altered the phrase "false or vexatious" to "false and vexatious," as we incline to the opinion that a provision of the nature which this Bill is intended to make should be applicable only in such classes of cases as can be readily and precisely defined.

We have substituted the word "compensation" for the word "damages" at the end of this sub-section.

In sub-section (2) of the proposed new section 35A, we have provided that the maximum limit of Rs. 1,000 shall be applicable in the case of High Courts, as we consider that, in the rare cases in which such orders will be passed by High Courts, a maximum limit of that amount will be found sufficient.

We understand that the Bill as introduced was intended strictly to give effect to the recommendations of the Committee which considered the opinions elicited upon the Bill which was recently withdrawn. We have, however, altered the first proviso to this sub-section in order, in the first place, to eliminate the reference to a Munsif, which designation does not

apply in the case of some Courts invested with Small Cause Court powers, and, secondly, to enable the High Court to empower Civil Courts with but a low limit of Small Cause Court jurisdiction to award compensatory costs somewhat in excess of that amount.

We have also made a slight change in the second proviso, which enables the High Court to deal with individual Courts without making a statutory rule for the purpose.

Finally, we consider that, even if a person to whom costs have been awarded might in very rare cases have a subsequent right of suit, it is advisable to make it clear that, where by taking instant objection to a claim or defence he has obtained compensation under the proposed new section, he is not entitled to any further relief. We have accordingly inserted a sub-section (4) on the lines of sub-section (2) of section 95 of the Code of Civil Procedure, 1908.

8. We have made several slight drafting alterations in the Bill, and the other alterations which we have made are consequential on those which we have already referred to in this Report.

4. The Bill was published in the Gazette of India, dated the 4th February, 1922.

5. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

T. B. SAPRU.

W. H. VINCENT.

C. S. SUBRAHMANYAM.

J. N. MUKHERJEE.

P. V. SRINIVASA RAO.

The 4th February, 1922.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

A Bill further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, in order to provide for the award of costs by way of compensation in respect of false and vexatious claims or defences in civil suits or proceedings.

IX of 1887
V of 1908. WHEREAS it is expedient further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908; It is hereby enacted as follows:—

1. (1) This Act may be called the Civil Procedure (Amendment) Act, 192 .

(2) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, direct that this Act shall come into force throughout the Province or in any part thereof on such date as may be specified in the notification.

V of 1908. 2. In Part I of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), after section 35 the following section shall be inserted, namely:—

“35A. (1) If in any suit or other proceeding, *Compensatory costs not being an appeal, any party objects to the claim or defence on the ground that the claim or defence or any part of it is, as against the objector, false and vexatious to the knowledge of the party by whom it has been put forward, and if thereafter, as against the objector, such claim or defence is disallowed, abandoned or withdrawn in whole or in part, the Court, if the objection has been taken at the earliest opportunity and if it is satisfied of the justice thereof, may, after recording its reasons for holding such claim or defence to be false and vexatious, make an order for the payment to the objector, by the party by whom such claim or defence has been put forward, of costs by way of compensation.*

(2) No Court shall make any such order for the payment of an amount exceeding one thousand rupees or exceeding the limits of its pecuniary jurisdiction, whichever amount is less:

Provided that *where the pecuniary limits of the jurisdiction of any Court exercising the jurisdiction of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, and not being a Court constituted under that Act; IX of 1887. are less than two hundred and fifty rupees, the High Court may empower such Court to award as costs under this section any amount not exceeding two hundred and fifty rupees and not exceeding those limits by more than one hundred rupees:*

Provided, further, that the High Court may limit the amount which any Court or class of Courts is empowered to award as costs under this section.

(3) No person against whom an order has been made under this section shall, by reason thereof, be exempted from any criminal liability in respect of any claim or defence made by him.

(4) *An order for the payment of costs under this section shall bar any suit for compensation in respect of the same claim or defence.*”

3. In sub-section (1) of section 104 of the Amendment of section 104, Act V of 1908, said Code,—

(i) after clause (f) the following clause shall be inserted, namely:—

“(ff) an order under section 35A”; and

(ii) after clause (i) the following proviso shall be inserted, namely:—

“Provided that no appeal shall lie against any order specified in clause (ff) save on the ground that no order, or an order for the payment of a less amount, ought to have been made.”

4. To rule 33 of Order XLI of the First Amendment of Order Schedule to the said Code, XLI, Schedule I, Act the following proviso V of 1908. shall be added, namely:—

“Provided that the Appellate Court shall not make any order under section 35A, in pursuance of any objection on which the Court from whose decree the appeal is preferred has omitted or refused to make such order.”

5. In section 24 of the Provincial Small Cause Courts Act, 1887, for the IX of 1887. words and figures “section 588, clause (29) of the Code of Civil Procedure” the words and figures “section 104 of the Code of Civil Procedure, 1908;” shall be substituted; and V of 1908. after the words “District Court,” the following words shall be added, namely:—

“on any ground on which an appeal from such order would lie under that section.”

H. MONCRIEFF SMITH,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Joint Committee on the Bill to establish and incorporate a unitary teaching and residential University at Delhi was presented to the Legislative Assembly on the 18th February, 1922 :—

We, the undersigned Members of the Joint Committee to which the Bill to establish and incorporate a unitary teaching and residential University at Delhi was referred, have considered the Bill, and have now the honour to submit this our Report with the Bill as amended by us annexed thereto.

Under the provisions of rule 42 of the Indian Legislative Rules, the Committee elected the Honourable Mian Sir Muhammad Shafi to act as its Chairman.

2. *Clause 2.*—We have added a definition of " Patrons of the University " who, under clause 17 of the Bill as re-numbered, are constituted life members of the Court.

We have in sub-clause (k) made it clear that the University may confer the status of a teacher of the University by the recognition of persons appointed to the staff of Colleges by the College authorities as well as by the direct appointment of other persons.

3. *Clause 4.*—We have added a new sub-clause (12) in this clause to obviate a doubt which we understand has arisen elsewhere as to whether the University can legally supplement the Government grant for the maintenance of a Corps of the Indian Territorial Force.

4. *Clause 7.*—For sub-clauses (5) and (6) of this clause of the Bill as introduced, we have substituted a new sub-clause on the lines of sub-section (5) of section 7 of the Allahabad University Act, 1921, which provides for the gradual adaptation of the Colleges to the organisation of the University as ultimately contemplated.

We have omitted some words in sub-clause (1) and the whole of sub-clause (5) as being unnecessary and possibly misleading.

5. *Clause 8.*—We propose the addition to the officers of the University of a Pro-Chancellor, which necessitates the addition of a clause after clause 9 of the Bill and the re-numbering of the subsequent clauses. We contemplate an appointment of an honorific nature involving the duty of presiding at meetings of the Court and at Convocations, in the absence of the Chancellor. We have also omitted from this clause the reference to the Principals which is incompatible with the constitution proposed.

6. *Clause 12 (now clause 13)* —We have very carefully considered the necessity for the provision made in this clause for the appointment of a Treasurer, and we have decided to leave the clause unamended on the ground that, although in our opinion a separate Treasurer will not be required at least for several years, the appointment of such an officer may in time become necessary, if only for a limited period, owing to special circumstances.

7. *Clause 13 (now clause 14).*—We consider that it would be administratively convenient that the Registrar should be the Secretary of the Academic Council as well as of the Court and the Executive Council, and we have provided accordingly.

8. *Clause 16 (now clause 17).*—We have omitted the provision for the appointment to the Court of persons by the Chief Commissioner of Delhi, as we consider that the local authorities will be sufficiently represented on that body under the remaining provisions of the Act and Statutes.

9. *Clause 22 (now clause 23).*—We have added special mention of the Faculties of Technology and Indian Fine Arts, including Music. At the same time we realise that it may be impossible to constitute these Faculties immediately upon the coming into existence of the University, and we have accordingly, in order to obviate any delay in the constitution of the University, provided that they shall be constituted as soon as possible thereafter.

We do not consider necessary the provision which had been made in sub-clause (5) of this clause for allowing remuneration to be paid to a person when appointed to be the Dean of a Faculty.

10. *Clause 26 (now clause 27).*—In sub-clause (i) of this clause and in clause 44 (*now clause 45*) we have made what we consider may be a useful addition in the form of a provision permitting the constitution of insurance as well as of pension and provident funds.

11. *Clause 27 (now clause 28).*—We have made two changes which are calculated to extend the legislative powers of the Court. In the first place, in sub-clause (3) we have provided for the case in which the Court wishes to pass the greater portion of a Statute whilst objecting to the remainder. We do not intend by giving this power to give to the Court a general power of amendment without further reference to the Executive Council. But we have not considered it necessary to specify any such limitation on the exercise of this power in view of the fact that the Statute, when passed with such omission, will come up for review by the Governor General in Council, who will we do not doubt, consider whether the omission constitutes an amendment which ought to have been referred to the Executive Council.

Secondly, we have made provision for the initiation of proposals for amendment of the Statutes by a member of the Court.

We have, further, specified somewhat more clearly than was specified in the original draft the procedure to be followed after a reference back of amendments to the Executive Council. We think that, in cases of disagreement between the two authorities, the Governor General in Council should be the arbiter.

12. *Clause 29 (now clause 30).*—We have omitted sub-clause (a) of this clause which referred to the emoluments and conditions of service of teachers of the University, because we consider that an Ordinance dealing with such matters is more properly the business of the Executive Council than of the Academic Council.

13. *Clause 31 (now clause 35).*—We have in this clause, in the first place, provided an exception to the prohibition against the conduct of examinations for admission to the University which is contained in sub-clause (5) of clause 7, and, in the second place, have inserted a proviso which is the corollary of the proviso to that sub-clause. This proviso will for a limited period permit the recognition of the matriculation examination or its equivalent as a stage at which a student may be admitted to the University in case the Colleges are unable to organise themselves at once as institutions containing only the post-intermediate classes.

14. *Clause 33 (now clause 39).*—We have altered the reference to the Executive Council to a reference to the Court, as we consider that that authority is the fitting authority for the removal of a graduate from the register of graduates.

15. *Clause 45 (now clause 46).*—We have carefully considered the transitory provisions and conclude that they are too widely drawn in the Bill as introduced. We have accordingly confined the operation of this clause strictly to the period during which the University will be actually in the course of formation, and we propose, instead of conferring upon the Governor General in Council an unqualified power to modify the provisions of the Act, to enjoin upon him such departure only when, and in so far as, it is absolutely necessary. In these circumstances, we have not thought it necessary to particularise the matters in which these powers which may be exercised, and have accordingly omitted sub-clause (2) of this clause as it originally stood. But in regard to the important subject of the maintenance of intermediate classes, etc., we have safeguarded the interests of the Colleges by the proviso to sub-clause (5) of clause 7.

16. In clause 1 of the Statutes we have omitted the definition of "teachers" and have made specific reference in the places where teachers are mentioned to teachers or teachers of the University, as the case may be, as defined in clause 2 of the Bill.

17. In clause 2 of the Statutes we have, in view of the presence of the Chief Commissioner of Delhi upon the Court, considered it unnecessary to include the Deputy Commissioner. At the same time, we have included the Wardens of the Halls and the Chairman of the Punjab Chamber of Commerce. In the same clause we have specified the number of persons to be elected from the Council of State and the Legislative Assembly, respectively.

We have eliminated from this clause the proviso to sub-clause (6) which was designed to secure a certain percentage of Muhammadan members on the Court. We desire it to be clearly understood that our motive is prompted purely by a disinclination to recognise communal distinctions of this nature in statutory provisions. We have no doubt that the Chancellor will consider any deficiency in the representation of any particular community at the time of making his nominations, and will rectify any inequality in so far as he is able. We earnestly hope that Muhammadans will fully participate in the benefits of this University, and that their interests will be represented upon its Bodies.

18. In clause 3 of the Statutes we have slightly enhanced the elected element in the Executive Council by increasing by one member the representation thereon of the Court, and, following the principle which we have outlined in our comment upon clause 2, we have omitted the provisions for special representation of Muhammadans.

19. In clause 13 (*now clause 14*) of the Statutes we have extended the number of those who will be eligible for enrolment as graduates of the University by permitting the carrying on of the business as well as actual residence in the province of Delhi to be recognised as a qualification.

20. We have made a number of other alterations in the Bill which are consequential on amendments which we have already noticed in this Report or are of merely a drafting nature, or which we consider of insufficient importance to call for special mention.

21. Finally, we desire to place on record our opinion that provision should in due course be made for the representation of the University in the Legislative Assembly by one member elected by the Court.

22. We regret that we have been unable to avail ourselves of the assistance and advice of two members of our Committee who were unable to attend the meetings owing to their absence from Delhi, and who have not signed the Report.

23. The Bill was published in the Gazette of India on the 21st January, 1922.

24. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

MUHAMMAD SHAFI.

HARNAM SINGH AHLUWALIA.

ARTHUR MAYHEW.

GANGANATH JHA.

ABUL KASEM.*

V. G. KALE.*

DEVA PRASAD SARBADHIKARI.*

LALUBHAI SAMALDAS.*

KHAGENDRA NATH MITTER.

J. P. COTELINGAM.

H. S. GOUR.

H. SHARP.

The 11th February, 1922.

* Subject to Minutes of Dissent.

Minute of Dissent.

In my opinion sub-clause (4), now sub-clause (5), of clause 27 (now clause 28) should be omitted, and consequently the words "and shall be submitted to the Governor General in Council" should also be omitted.

The Mussalman community and the public interested should have a voice in the selection of the Mussalman members of the Court. I, therefore, suggest that provision should be made in the Statutes to the effect that one-third of the members elected by the different electorates should be Mussalmans.

ABUL KASEM.

Minute of Dissent.

1. I would not vest in the Chancellor the autocratic powers which section 9 confers on him, of dictating to the University, in certain circumstances, what it shall or shall not do. He should be empowered to cause an inquiry to be made and ask for reports and explanations and in the ultimate resort to make recommendations to the Court. I think the University, as it will be constituted, may be safely trusted to understand its responsibilities and ought not to be compelled to act to the dictation of the Chancellor. The provisions I object to breathe a lack of confidence in the Court, the Executive Council and the Academic Council, which together should constitute the final authority in the University.

2. I do not like that the Vice-Chancellor should be the chief executive officer of the University. The two aspects of the position of that officer appear to me to be incongruous. The Vice-Chancellor should, in my view, occupy the same status and position as the Vice-Chancellor of the Bombay University, for example, the Registrar performing the executive functions. It should be an honorary office.

V. G. KALE.

Minute of Dissent.

I regret to have to record a note of dissent, because in common with my Colleagues I am most anxious that the Delhi University should be established in time to secure its grant in the next Budget, without which its operations next year will be impossible. In order that Delhi might be a seat of public opinion and culture, its University ought to have come before it became the capital of India or soon after. A great deal of leeway has to be made up before the necessary atmosphere here is secured. Anything that may in the slightest degree interfere with early establishment of the long-needed University has to be avoided as far as possible.

The Calcutta University has not gained yet by the Viceroy ceasing to be its Chancellor, and it is gratifying to have His Excellency again officially connected with an University. As the latest to come and as the special object of Imperial benefaction, this Delhi University ought to be an up-to-date model institution. The Hon'ble Mian Sir Muhammad Shafi told the Indian Legislative Assembly on the 9th February that Universities ought to be autonomous and ought to be as little interfered with as possible. Taking my cue from the Hon'ble Education Member, I claim and plead that the University in the Imperial City of Delhi, which in time may well aspire to be an All-India and an Imperial University, if well handled, ought to have perfect autonomy—at least a great deal more autonomy than is provided for in the Bill. The University with the Viceroy as its Chancellor, and with a Court carefully constituted as the Delhi University, should not have interference at the hands of the Governor General in Council at every step. The Viceroy as the Chancellor, and therefore as an integral part of the University, ought to be able to exercise all the necessary check and afford all the necessary guidance. The Members of His Excellency's Executive Council in charge of Education and of Commerce and Industry ought to be Members of the Court, and this will be enough safeguard considering the constitution of the Court and the other bodies.

The Court which is the sovereign body in the University, with the Viceroy as Chancellor, ought to have much larger and more real powers. It occupies the position of the Senate and both the Executive Council and the Academic Council, doing executive work in separate spheres, ought to be subordinate and answerable to the Court.

The complexity of this machinery is likely to hamper work and ought to be simplified; the University ought to be self-contained and autonomous and not subjected to direct Government influence and interference, merely because the Government will have the financing of the concern. A well-chosen responsible Court able to carry on work satisfactorily ought to be the ideal, and the University ought not to be practically a Government Department.

From the above points of view and others appearing from the amendments, I would suggest the following amendments :—

Clause 2 (h).—This University being what is called *unitary* (a somewhat vague and ill-understood term) there ought to be no difference in classes of teachers. The position of teachers *not recognised by the University* will be difficult if not intolerable. Allowing *unrecognised* teachers to do University work will make the University something more than *unitary*. It will be *affiliating*, so far. If this was a mere transitory provision for frankly safeguarding existing interests the position would be better understood. I suggest that the differentiation should cease, that the definition in clause 2 (h) be dropped and consequential amendments be made. The definition as it stood originally was less objectionable, for it merely indicated the appointing authority.

Clause 9 (2), (3), (4), (5), (6).—I suggest the omission of these sub-clauses which are on the analogy of sections relating to the Visitor in other Acts constituting Unitary Universities. Here the Viceroy is the Chancellor and the Head of the University and as such its integral part. He should and can make his views felt and accepted and ought not to have separate powers of the kind contemplated. I say this in full view of clause 12 (6), for there the Vice-Chancellor's powers are really modified and defined.

Clause 28 (5).—I suggest the addition of the following words after this clause :—

“ And on receipt of the Report of the Executive Council pass the Statute in such form as it may think fit.”

Clause 28 (4), (5).—I would omit these sub-clauses.

Clause 28 (7).—I would omit the following words :—

“ *Either reject the proposal or* ” in lines 4 and 5 of this clause. The Governor General in Council or any outside body or individual ought not to have these drastic powers and the Executive Council, which though very important but nevertheless a subordinate body, ought not to have the large power indicated in the words in sub-clause (7) which I seek to omit.

Clause 30 (3).—The words “ The Governor General in Council and ” in line 3 should be omitted.

Clause 30 (4), (5), (6) and clause 31, Proviso, should be omitted.

Clause 35 (4) should be omitted.

I do not object to the expression *Governor General in Council* in Proviso to Clause 35 (2), because the power conferred here is more legislative than administrative.

Clause 46, lines 6 and 7.—I would substitute the word “ Chancellor ” in the place of “ Governor General in Council ”.

Schedules.—First Statutes of the University.

Clause 2 (1).—I would add the following :—

“ Members of the Executive Council of the Governor General in Council in charge of the Departments of Education, Commerce and Industry, and the Principal of the Lady Harding Medical College.”

Clause 2 (6).—I would reduce the number of nominees of the Chancellor by three by way of balancing the number added in the previous paragraph.

DEVA PRASAD SARVADHIKARY.

The 10th February, 1922.

Minute of Dissent.

While I am anxious to see a well-equipped University in this Imperial city of Delhi—now the seat of the Government of India—I am more anxious to see that this University is in advance of the existing Universities and is founded on such progressive lines as to be a model for future Universities. These ought, in the words of the Honourable Member for Education, be autonomous and ought to be as little interfered with as possible. It cannot be said that the present Bill satisfies these conditions.

The framers of the first University Act in this country taking into consideration the vastness of each Province, the paucity of workers in this country and the difficulties of importing well qualified teachers from other countries, wisely decided in favour of affiliating Universities. As the demand for higher education grew, it was met by starting affiliated

Colleges in the mofussil, away from the seat of the University. Some of these institutions were not well conducted, and the Universities were then unable to inspect them and to exercise control over their working. As a result thereof the standard of teaching was lowered, and this was attributed to the Universities being merely examining and affiliating bodies. It was suggested that the only way of remedying the existing evils was the creation of more unitary teaching Universities. The Report of the Sadler Commission has strengthened this view-point, and, as a result of that Commission's recommendations, the new Universities that are proposed to be established are made both unitary and teaching Universities. Looking to the present educational needs of the country and the still existing scarcity of educationists in the country, I think the whole question requires to be carefully reconsidered before any more Unitary Universities are established. I, therefore, propose that the word Unitary be deleted from the Bill.

In the existing older Universities the Syndicate is the executive committee of the Senate, and all the powers that the Syndicate exercises are virtually delegated from and by the Senate. Under the proposed Bill the Executive Council (the counter-part of the Syndicate) has special powers allotted to it and has the right to approach the Governor General in Council if the Court (the counter-part of the Senate) does not accept its recommendations. Moreover, all the members of the Executive Council are not elected by the Court or the Faculties as the Syndics are in the older Universities, two being nominated by the Chancellor and many more being *ex-officio* members of the Council than in the older Universities. This complicated arrangement is said to be necessary because the Court is to have Patrons, Life-members and other *ex-officio* members who may be either unwilling or unable to take part in the actual work of the Court. In the existing financial condition of the Province, the creation of this class of members may be a necessity, but that is no reason why their inclusion in the Court should lead to the restriction of its powers. While the Bill provides for the election of twenty-five members by the registered graduates and is thus an advance on the existing conditions, it is reactionary in so far as it reduces the powers of the Court and vests some with the Governor General in Council and some others with the Executive Council. The Bill takes away with one hand what it gives with the other. As His Excellency the Viceroy is to be the Chancellor of the Court, to allow an appeal from the decision of the Court (which includes the Chancellor, i.e., the Viceroy) to the Governor General in Council is derogatory not only to the dignity of the Court, but to that of His Excellency the Viceroy. I would, therefore, make the Court and not the Governor General in Council the final authority in all matters.

I do not approve of the proposal to make provision for religious teaching in the new University, as I do not think Religion in the real sense of the term can ever be taught in any University. What can be and will be taught is either oriental Philosophy or Theology. There are so many difficulties in the way of teaching Theology in a mixed University that I would drop all mention of religious instruction from the Bill. This desire to introduce religious education to University curriculum is due to some of us having lost faith in secular education, on noticing absence of reverence or respect for elders and authority, amongst some of the graduates of the Universities. This result is due to a clashing of two different ideals and not to secular teaching. The introduction of religious instruction will, I fear, in mixed Universities do more harm than good.

Clause 12 of the Bill should be deleted, for I agree with my colleagues in thinking that a separate Treasurer will not be required for several years, and I do not see why such a provision cannot be made later on when it is found necessary to have such an officer.

The *ex-officio* of the Court should be these only, namely :—

1. The Chief Commissioner of Delhi.
2. The Director General, Indian Medical Service.
3. The Educational Commissioner with the Government of India.
4. The Superintendent of Education, Delhi and Ajmer Merwara.

I realise that the Director of Public Instruction, Punjab, must be a member of the Court at least for the first few years, but he may be nominated by the Chancellor among the 15 members whom he has the right to nominate.

I am against having any nominated member on the Executive Council.

LALUBHAI SAMALDAS.

[AS AMENDED BY THE JOINT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

A Bill to establish and incorporate a unitary teaching and residential University at Delhi.

WHEREAS it is expedient to establish and incorporate a unitary teaching and residential University at Delhi; It is hereby enacted as follows :—

1. (1) This Act may be called the Delhi Short title and commencement. University Act, 1922 .

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct.

2. In this Act and in the Statutes, unless Definitions. there is anything repugnant in the subject or context,—

(a) "College" means an institution maintained or recognized by the University in accordance with the provisions of this Act, in which instruction is provided under conditions prescribed in the Statutes, and in which provision is made for residence of students of the University;

(b) "Hall" means a unit of residence for students of the University maintained or recognized by the University in accordance with the provisions of this Act;

(c) "*Patron of the University*" means a person who has made a donation of not less than one lakh of rupees to the funds of the University, and has been declared by the Chancellor to be a Patron of the University;

(d) "Principal" means the head of a College;

(e) "registered graduate" means a graduate registered under the provisions of this Act;

(f) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University made under this Act;

(g) "teachers" includes Professors, Readers, Lecturers and other persons imparting instruction in the University or in any College or Hall;

(h) "teachers of the University" means persons appointed or recognized by the University under the provisions of this Act for the purpose of imparting instruction in the University or any College;

(i) "University" means the University of Delhi; and

(j) "Warden" means the head of a Hall,

The University.

3. (1) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the University of Delhi".

(2) The University shall have perpetual succession and a Common Seal, and shall sue and be sued by the said name.

4. The University shall have the following

Powers of the University. powers, namely :—

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge,

(2) to hold examinations and to grant to, and confer degrees and other academic distinctions on, persons who—

(a) have pursued a course of study in the University, or

(b) are teachers in educational institutions, under conditions laid down in the Ordinances and Regulations, and have passed the examinations of the University under like conditions,

(3) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes,

(4) to grant such diplomas to, and to provide such lectures and instruction for, persons not being members of the University, as the University may determine,

(5) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine,

(6) to institute Professorships, Readerships, Lectureships and any other teaching posts required by the University,

(7) to appoint or recognize persons as Professors, Readers or Lecturers, or otherwise as teachers of the University,

(8) to institute and award Fellowships, Scholarships, Exhibitions and Prizes in accordance with the Statutes and the Regulations,

(9) to maintain Colleges and Halls, to recognize Colleges and Halls not maintained by the University, and to withdraw such recognition,

(10) to demand and receive payment of such fees and other charges as may be authorised by the Ordinances,

(11) to supervise and control the residence and discipline of students of the University, and to make arrangements for promoting their health and general welfare,

(12) to make grants from the funds of the University for the maintenance of the University corps of the Indian Territorial Force, and

(13) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning.

5. (1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond a radius of ten miles from the Convocation Hall of the University, and, notwithstanding anything in any other law for the time being in force, no educational institution beyond that limit shall be associated with or admitted to any privileges of the University :

Provided that nothing in this sub-section shall apply to any agricultural or other technical institution established or maintained in connection with the University with the sanction of the Governor General in Council

(2) Notwithstanding anything in any other law for the time being in force, no educational institution within the afore-mentioned limit shall be associated in any way with or be admitted to any privileges of any other University incorporated by law in British India, and any such privileges granted by any such other University to any educational institution within that limit prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act :

Provided that the Governor General in Council may, by order in writing, direct that the provisions of this sub-section shall not apply in the case of any institution specified in the order.

6. The University shall be open to all persons of either sex and of what-
all classes, castes and ever race, creed or class, creeds.
and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or student, or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where such test is specially prescribed by the Statutes, or, in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction :

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those not unwilling to receive it by persons (whether teachers of the University or not) approved for that purpose by the Executive Council.

7. (1) All recognized teaching in connection with the University courses shall be conducted under the control of the Academic Council by teachers of the University, and shall include lecturing, laboratory work and other teaching conducted in accordance with any syllabus prescribed by the Regulations.

(2) Every teacher of the University shall be attached to a College, and at least one such teacher shall be attached to each College.

(3) The authorities responsible for organizing such teaching shall be prescribed by the Statutes.

(4) The courses and curricula shall be prescribed by the Ordinances and, subject thereto, by the Regulations.

(5) Save as otherwise expressly provided by this Act, it shall not be lawful for the University

or any College to maintain classes, after the expiration of five years from the commencement of this Act, for the purpose of preparing students for admission to the University save with the sanction of the Governor General in Council and during such period as he may direct, or at any time to frame courses, conduct examinations or recognise institutions for the purpose of preparing or testing students for admission to the University save with such sanction and during such period.

Officers of the University.

8. The following shall be the officers of the University :—
Officers of the University.

- (I) The Chancellor,
- (II) the Pro-Chancellor,
- (III) the Vice-Chancellor,
- (IV) the Treasurer,
- (V) the Registrar,
- (VI) the Deans of the Faculties, and
- (VII) such other persons in the service of the University as may be declared by the Statutes to be officers of the University.

9. (1) The Chancellor shall be the Governor General. He shall by virtue of his office be the head of the University and the President of the Court, and shall, when present, preside at meetings of the Court and at any Convocation of the University.

(2) The Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, equipment, and of any institutions associated with the University, and also of the examinations, teaching and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.

(3) The Chancellor may address the Vice-Chancellor with reference to the results of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Chancellor and shall, after ascertaining, if he so thinks fit, the opinion of the Executive Council thereon, advise the University upon the action to be taken thereon.

(4) The Executive Council shall report to the Vice Chancellor for communication to the Chancellor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or inquiry.

(5) The Chancellor may, after considering the report of the Executive Council, issue such directions as he may think fit, and the Executive Council shall comply with such directions.

(6) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

(7) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

10. *The Pro-Chancellor shall be appointed by the Chancellor and shall hold office for three years. He shall when present, in the absence of the Chancellor, preside at meetings of the Court and at any Convocation of the University.*

11. (1) *The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes.*

(2) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Executive Council shall forthwith report the same to the Chancellor, who shall make such arrangements for carrying on the office of the Vice-Chancellor as he may think fit.

12. (1) *The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor and the Pro-Chancellor, preside at meetings of the Court and at any Convocation of the University. He shall be an ex-officio member and Chairman of the Executive Council and of the Academic Council, and shall be entitled to be present and to speak at any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of the authority or body concerned.*

(2) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes and the Ordinances are faithfully observed, and he shall have all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council and the Academic Council.

(4) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and shall, at the earliest opportunity thereafter, report his action to the officer, authority or other body who or which in the ordinary course would have dealt with the matter.

(b) When action taken by the Vice-Chancellor under clause (a) affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Executive Council through the said officer, authority or other body within fifteen days from the date on which such action is communicated to him.

(5) The Vice-Chancellor shall give effect to any order of the Executive Council regarding the appointment, dismissal or suspension of an officer or teacher of the University, or regarding the recognition or withdrawal of the recognition of any such teacher, and shall exercise general control in the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and the Ordinances.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.

13. *The Treasurer shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, upon such conditions and for such period, and shall receive*

such remuneration (if any), as the Executive Council shall deem fit. He shall be an ex-officio member of the Executive Council and shall—

- (1) exercise general supervision over the funds of the University, and advise in regard to its financial policy;
- (2) subject to the control of the Executive Council, manage the property and investments of the University, and be responsible for the presentation of the annual estimates and statements of accounts;
- (3) subject to the powers of the Executive Council, be responsible for seeing that all moneys are expended on the purpose for which they are granted or allotted;
- (4) sign all contracts made on behalf of the University; and
- (5) exercise such other powers as may be prescribed by the Statutes and the Ordinances:

Provided that the Chancellor may, on the recommendation of the Executive Council, in the case of any vacancy in the office of the Treasurer, whether permanent or otherwise, direct that the Registrar shall act as the Treasurer and perform all the duties and exercise all the powers of the Treasurer, and when any such direction has been made references to the Treasurer in this Act and the Statutes, Ordinances and Regulations shall be deemed to be references to the Registrar.

14. *The Registrar shall act as Secretary of the Court, the Executive Council and the Academic Council. He shall maintain a register of registered graduates in accordance with the Statutes, and shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.*

15. *The powers of officers of the University other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Treasurer and the Registrar shall be prescribed by the Statutes and the Ordinances.*

Authorities of the University.

16. *The following shall be the authorities of the University:—*

- (I) The Court,
- (II) the Executive Council,
- (III) the Academic Council,
- (IV) the Faculties, and
- (V) such other authorities as may be declared by the Statutes to be authorities of the University.

17. (1) *The Court shall consist of the following persons, namely:—*

Class I.—Ex-officio members.

- (i) The Chancellor,
- (ii) the Pro-Chancellor,
- (iii) the Vice-Chancellor,
- (iv) the Treasurer,
- (v) the Registrar,
- (vi) the Principals,
- (vii) the Professors and Readers of the University, and
- (viii) such other ex-officio members as may be prescribed by the Statutes.

Class II.—Life members.

- (iv) *The Patrons of the University and persons (if any) appointed by the Chancellor on the recommendation of the Executive Council to be life members on the ground that they have rendered great services to education or have made substantial donations to the University.*

Class III.—Other members.

- (x) Graduates of the University elected by the registered graduates from among their own body,
 (xi) persons elected from among their own body by the teachers who are not Professors or Readers of the University,
 (xii) persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court,
 (xiii) persons elected by the elected members of the Council of State and the Legislative Assembly from among their own numbers,
 (xiv) persons appointed by the Chancellor and
 (xv) a representative of the Governing Body of each College, elected or nominated by that Body.

(2) The number of members to be elected or appointed under clauses (x), (xi), (xii), (xiii) and (xiv), and the tenure of office of members to be elected or appointed under each clause of Class III shall be prescribed by the Statutes, and the mode of election of members to be elected under clauses (x) and (xi) shall be prescribed by the Ordinances.

18. (1) The Court shall, on a date to be fixed by the Vice-Chancellor, meet once a year at a meeting to be called the annual meeting of the Court.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than thirty members of the Court, convene a special meeting of the Court.

19. Subject to the provisions of this Act, the Court shall exercise the following powers, and perform the following duties, namely:—

- (a) of making Statutes, and of amending or repealing the same,
 (b) of considering and cancelling Ordinances, and
 (c) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates,

and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

20. The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

21. The Executive Council—

Powers and duties of the Executive Council.

- (a) shall hold, control and administer the property and funds of the University, and for these purposes shall appoint a Finance Committee to advise it on matters of finance. The Treasurer shall be the Chairman of the Committee, and the remaining members shall be appointed from among the members of the Executive Council, provided that at least one member of the Committee shall be a member elected to the Executive Council by the Court;
 (b) shall determine the form, provide for the custody and regulate the use of the Common Seal of the University;
 (c) shall lay before the Governor General in Council annually a full statement of the financial requirements of the University and the Colleges;
 (d) shall administer any funds placed at the disposal of the University for specific purposes;
 (e) subject to the provisions of this Act and the Statutes, shall appoint the officers (other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Treasurer), teachers, clerical staff and servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts;
 (f) shall have power to accept on behalf of the University transfers of any moveable or immoveable property;
 (g) shall arrange for the holding of, and publish the results of, the University examinations;
 (h) shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters concerning the University in accordance with this Act, the Statutes and the Ordinances;
 provided that no action shall be taken by the Executive Council in respect of the appointment or emoluments of examiners, or the number, qualifications or emoluments of teachers otherwise than on a recommendation of the Academic Council; and
 (i) shall exercise all other powers of the University not otherwise provided for by this Act or the Statutes.

22. The Academic Council shall be the academic body of the University, and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance, of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes. It shall have the right to advise the Executive Council on all academic matters. The

constitution of the Academic Council and the term of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

23. (1) *Provision shall be made as soon as possible after the commencement of this Act for the inclusion in the University of the Faculties of Arts, Science, Medicine, Commerce, Technology and Indian Fine Arts (including Music), and such other Faculties shall be included in the University (whether by the sub-division or combination of an existing Faculty or Faculties, or by the creation of a new Faculty or otherwise) as may be prescribed by the Statutes. Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and the research work in such subjects as may be assigned to such Faculty by the Ordinances.*

(2) The constitution and powers of the Faculties shall be prescribed by the Statutes.

(3) There shall be a Dean of each Faculty, who shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(4) Each Faculty shall comprise such Departments of teaching as may be prescribed by the Ordinances. The head of every such Department shall be the Professor of the Department or, if there is no Professor, the Reader. If there is more than one Professor or more than one Reader of a Department, the Vice-Chancellor shall appoint to be head of the Department such one of the Professors or, if there is no Professor, such one of the Readers as he thinks fit. The head of the Department shall be responsible to the Dean for the organization of the teaching in that Department.

(5) The Dean of a Faculty shall be elected by the Faculty from among the heads of Departments of the Faculty, and shall hold office as Dean for such term as may be prescribed by the Statutes.

24. The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University shall be provided for in the manner prescribed by the Statutes.

University Boards.

25. The University shall include a Residence, Health and Discipline Board and such other Boards as may be prescribed by the Statutes.

26. The constitution, powers and duties of the Residence, Health and Discipline Board and of all other Boards of the University shall be prescribed by the Ordinances.

Statutes, Ordinances and Regulations.

27. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

- (a) the conferment of honorary degrees;
- (b) the institution of Fellowships, Scholarships, Exhibitions and Prizes;

(c) the term of office and conditions of service of the Vice-Chancellor;

(d) the designations and powers of the officers of the University;

(e) the constitution, powers and duties of the authorities of the University;

(f) the institution of Colleges and Halls and their maintenance;

(g) the recognition and management of Colleges and Halls not maintained by the University, and the withdrawal of such recognition;

(h) the mode of appointment and recognition of teachers of the University;

(i) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers, clerical staff and servants of the University;

(j) the maintenance of a register of registered graduates; and

(k) all matters which by this Act are to be or may be prescribed by the Statutes.

28. (1) The first Statutes shall be those set out in the Schedule.

(2) The Statutes may be amended, repealed or added to by Statutes made by the Court in the manner hereinafter appearing

(3) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court. Such draft shall be considered by the Court at its next meeting. The Court may pass the Statute, or a part of it, in the form in which it has been proposed, or may reject the Statute or part of it, or may return the Statute to the Executive Council for reconsideration, either in whole or in part, together with any amendments which the Court may suggest.

(4) Where any Statute or part of a Statute has been returned to the Executive Council for reconsideration and there is disagreement between the Court and the Executive Council in relation thereto, the matter shall be referred for decision to the Governor General in Council, whose decision shall be final.

(5) Where any Statute has been passed or a draft of a Statute or part thereof has been rejected by the Court, it shall be submitted to the Governor General in Council, who may refer the Statute or draft back to the Court for further consideration or, in the case of a Statute passed by the Court, assent thereto or withhold his assent. A Statute passed by the Court shall have no validity until it has been assented to by the Governor General in Council.

(6) The Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Court, and shall be submitted to the Governor General in Council.

(7) Any member of the Court may propose to the Court the draft of any Statute and the Court may refer such draft for consideration to the Executive Council, which may either reject the

proposal or submit the draft to the Court in such form as the Executive Council may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Court by the Executive Council.

29. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely :—

- (a) the admission of students to the University and their enrolment as such ;
- (b) the courses of study to be laid down for all degrees and diplomas of the University ;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University and shall be eligible for degrees and diplomas ;
- (d) the conditions of residence of the students of the University ;
- (e) the emoluments and conditions of service of teachers of the University ;
- (f) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, and diplomas of the University ;
- (g) the giving of religious instruction ;
- (h) the formation of Departments of teaching in the Faculties ;
- (i) the constitution, powers and duties of the Boards of the University ;
- (j) the conduct of examinations ; and
- (k) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

30. (1) Save as otherwise provided in this section, Ordinances shall be made by the Executive Council

Provided that—

- (i) no Ordinance shall be made affecting the conditions of residence of students, except after consultation with the Residence, Health and Discipline Board, and
- (ii) no Ordinance shall be made—
 - (a) affecting the admission or enrolment of students, or prescribing examinations to be recognized as equivalent to the University examinations or prescribing the further qualifications mentioned in sub-section (2) of section 35 for admission to the degree courses of the University, or
 - (b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council.

(2) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (1), but may reject it or return it to the Academic

Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(3) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Governor General in Council and the Court, and shall be considered by the Court at its next meeting. The Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall, from the date of such resolution, be void.

(4) The Governor General in Council may, at any time after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance, and, from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall become void.

(5) The Governor General in Council may direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(6) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Governor General in Council who may, if he approves the draft, make the Ordinance. An Ordinance made under this sub-section shall cease to have effect on the expiration of six months from the making thereof.

31. (1) The authorities and the Boards of the University may make Regulations. Regulations consistent with this Act, the Statutes and the Ordinances—

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum ;
- (b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations ; and
- (c) providing for all other matters solely concerning such authorities and Boards and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings, and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any Regulation made under sub-section (1) :

Provided that any authority or Board of the University which is dissatisfied with any such direction may appeal to the Governor General in Council, whose decision in the matter shall be final.

Residence.

32. Every student of the University shall reside in a College or a Hall, or under such conditions as may be prescribed by the Statutes and the Ordinances.

33. (1) The Colleges shall be such as may be named in the Statutes.

(2) The conditions of residence in the Colleges shall be prescribed by the Ordinances, and every College shall be subject to inspection by any member of the Residence, Health and Discipline Board authorized in this behalf by the Board and by any officer of the University authorized in this behalf by the Executive Council.

34. (1) The Halls shall be such as may be maintained by the University or approved and recognized by the Executive Council on such general or special conditions as may be prescribed by the Ordinances.

(2) The Wardens and superintending staff of the Halls shall be appointed in the manner prescribed by the Statutes.

(3) The conditions of residence in the Halls shall be prescribed by the Ordinances, and every Hall shall be subject to inspection by any member of the Residence, Health and Discipline Board authorized in this behalf by the Board and by any officer of the University or other person authorized in this behalf by the Executive Council.

(4) The Executive Council shall have power to suspend or withdraw the recognition of any Hall which is not conducted in accordance with the conditions prescribed by the Ordinances.

Admission and Examinations.

35. (1) Admission of students to the University shall be made by an admission committee (including at least one Principal) appointed for that purpose by the Academic Council.

(2) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination of an Indian University incorporated by any law for the time being in force, or an examination recognized in accordance with the provisions of this section as equivalent thereto, and possess such further qualifications as may be prescribed by the Ordinances. *Any such qualification may be tested by examination notwithstanding anything contained in sub-section (5) of section 7 :*

Provided that, during a period of five years from the commencement of this Act and such further period as the Governor General in Council may direct, any student who has passed a Matriculation Examination of any such University, or any examination recognised in accordance with the provisions of this section as equivalent thereto, may be deemed eligible for admission to the University.

(3) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances.

(4) The University shall not, save with the previous sanction of the Governor General in Council, recognize (for the purposes of admission to a course of study for a degree), as equivalent to its own degrees, any degree conferred by any other University, or, as equivalent to the Intermediate or Matriculation Examination of an Indian University, any examination conducted by any other authority.

36. (1) Subject to the provisions of this Act and of the Statutes, all arrangements for the conduct of examinations shall be made by the Academic Council in such manner as may be prescribed by this Act and the Ordinances.

(2) If, during the course of an examination, any examiner is for any cause incapable of acting as such, the Vice-Chancellor shall appoint an examiner to fill the vacancy, and shall report the appointment to the Executive Council.

(3) At least one examiner who is not a member of the University shall be appointed for each subject included in a Department of teaching and forming part of the course which is required for a University degree.

(4) The Academic Council shall appoint examination committees, consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examination questions, to moderate and prepare the results of the examinations and to report such results to the Executive Council for publication.

Annual Report and Accounts.

37. The annual report of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Court on or before such date as may be prescribed by the Statutes, and shall be considered by the Court at its annual meeting. The Court may pass resolutions thereon and communicate the same to the Executive Council.

38. (1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Governor General in Council for the purposes of audit.

(2) The accounts when audited shall be published by the Executive Council in the Gazette of India, and copies thereof shall, together with copies of the audit report, if any, be submitted to the Court and to the Governor General in Council. The Executive Council shall also submit to the Court, on or before such date as may be prescribed by the Statutes, a statement of the financial estimates for the ensuing year.

(3) The annual accounts and the financial estimates shall be considered by the Court at its annual meeting, and the Court may pass resolutions thereon and communicate the same to the Executive Council.

Supplementary Provisions.

39. The Chancellor shall, with the concurrence of not less than two-thirds of the members of the Court for the time being in India, have power to remove the name of any person from the register of registered graduates.

40. If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor, whose decision thereon shall be final.

41. Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

42. All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

43. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

44. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned, and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final, and no suit shall lie in any Civil Court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Indian Arbitration Act, 1899, and all the provisions of that Act, with the exception of section 2 thereof, shall apply accordingly.

45. (1) The University shall constitute, for the benefit of its officers, teachers, clerical staff and servants, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may deem fit.

(2) Where any such pension, insurance or provident fund has been so constituted, the Governor General in Council may declare that the provisions of the Provident Funds Act, 1897, shall apply to such fund as if it were a Government Provident Fund.

Transitory Provisions.

46. If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority

of the University or otherwise in first giving effect to the provisions of this Act, the Governor General in Council may, at any time before all the authorities of the University have been constituted, by order make any appointment or do any thing, consistent so far as may be with the provisions of this Act and the Statutes, which appears to him necessary or expedient for the purpose of removing the difficulty, and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act:

Provided that, before making any such order, the Governor General in Council shall ascertain and consider the opinion of the Vice-Chancellor, if a Vice-Chancellor has been appointed, and of such of the authorities of the University as have been constituted, on the proposed order.

47. Notwithstanding anything contained in this Act or the Ordinances, any student of Delhi Colleges, any of the following Colleges at Delhi, namely, the St. Stephen's College, the Hindu College and the Ramjas College, who, immediately prior to the commencement of this Act, was studying for any examination of the University of the Punjab higher than the Intermediate Examination, shall be permitted to complete his course in preparation therefor, and the University shall provide for such students instruction and examinations in accordance with the Prospectus of Studies of the University of the Punjab.

THE SCHEDULE.

THE FIRST STATUTES OF THE UNIVERSITY.

[See section 23 (1).]

1. In these Statutes, unless there is anything repugnant in the subject or context,—

(a) "the Act" means the Delhi University Act, 192 , and "section" means a section of the Act; and

(b) "officers," "authorities," "Professors," "Readers," "Lecturers," "clerical staff" and "servants" mean, respectively, officers, authorities, Professors, Readers, Lecturers, clerical staff and servants of the University.

2. (1) In addition to the officers mentioned in sub-section (1) of section 17, the following persons shall be *ex-officio* members of the Court, namely:—

(i) the Chief Commissioner of Delhi;

(ii) the Director-General, Indian Medical Service;

(iii) the Educational Commissioner with the Government of India;

(iv) the Director of Public Instruction in the Punjab;

(v) the Superintendent of Education, Delhi and Ajmer-Merwara;

(vi) the Chairman of the Punjab Chamber of Commerce;

IX of 1899.

X of 1897.

(vi) the Chairman of the Delhi Municipality ;

(vii) the Chairman of the Delhi District Board ;

(ix) the Senior Officer serving in the Public Works Department under the Chief Commissioner of Delhi ;

(x) the Senior Medical Officer, Delhi ;

(xi) the Principals of the Intermediate Colleges in Delhi which prepare candidates for admission to the University ;

(xii) the Wardens.

(2) The number of graduates to be elected as members of the Court by the registered graduates from among their own body shall be twenty-five.

(3) The number of teachers to be elected as members of the Court by the teachers other than Professors and Readers shall be ten.

(4) The number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed eight.

(5) The number of persons to be elected by the elected Members of the Council of State and the Legislative Assembly from among their own numbers shall be two and four respectively.

(6) The number of persons to be appointed by the Chancellor under clause (xiv) of sub-section (1) of section 17 shall be fifteen.

(7) Save as otherwise provided, members of the Court other than *ex-officio* members shall hold office for a period of three years :

Provided that members elected under clause (xi) of sub-section (1) of section 17 shall hold office so long only within the said period as they continue to be teachers.

3. (1) The members of the Executive Council, Constitution of the in addition to the Vice-Executive Council. Chancellor and the Treasurer, shall be—

Class I.—Ex-officio members.

(i) The Superintendent of Education, Delhi and Ajmer-Merwara ;

(ii) the Deans of the Faculties ;

(iii) the Principals.

Class II.—Other members.

(iv) Five members of the Court elected by the Court at its annual meeting, of whom at least two shall be graduates of the University elected by the registered graduates from among their own number ;

(v) two members of the Academic Council elected by the Academic Council ; and

(vi) two persons nominated by the Chancellor.

(2) Members other than *ex-officio* members shall hold office for a period of three years :

Provided that members elected by any body of persons from among their own number shall hold office so long only within the said period as they continue to be members of the body which elected them.

4. Subject to the provisions of the Act, the Powers of the Executive Council. Executive Council shall have the following powers, namely :—

(a) to institute, at its discretion, such Professorships, Readerships, Lectureships, or other teaching posts as may be proposed by the Academic Council ;

(b) to abolish or suspend, after report from the Academic Council thereon, any Professorship, Readership, Lectureship, or other teaching post ;

(c) to appoint or recognize teachers of the University and to appoint officers, clerical staff and servants, in accordance with the Statutes ;

(d) to appoint all examiners after considering the recommendations of the Academic Council ;

(e) to delegate, subject to such conditions as may be prescribed by Regulations made by the Executive Council, its power to appoint and recognize teachers of the University and to appoint officers, clerical staff and servants to such person or authority as the Executive Council may determine ;

(f) to manage and regulate the finances, accounts, investments, property and all administrative affairs whatsoever of the University, and, for that purpose, to appoint such agents as it may think fit ;

(g) to accept bequests, donations and transfers of property to the University :

provided that all such bequests, donations and transfers shall be reported to the Court at its next meeting ;

(h) to provide the buildings, premises, furniture, apparatus, equipment and other means needed for carrying on the work of the University ;

(i) after report from the Finance Committee, to enter into, vary, carry out, confirm and cancel contracts on behalf of the University ; and

(j) to invest any monies belonging to the University, including any unapplied income, in any of the securities described in section 20 of the Indian Trusts Act, 1882, or in the purchase of immoveable property in India, with the like power of varying such investments ; or to place on fixed deposit in any bank approved in this behalf by the Governor General in Council any portion of such monies not required for immediate expenditure.

5. (1) The members of the Academic Council, in addition to the Vice-Chancellor, shall be—
The Academic Council.

II of 1882.

Class I.—Ex-officio members.

- (i) The Deans of the Faculties ;
- (ii) the Principals ;
- (iii) the Professors and Readers ; and
- (iv) the Librarian of the University.

Class II.—Other members.

(v) Persons, if any, not exceeding three in number and not being teachers, appointed by the Chancellor on account of their possessing expert knowledge in such subjects of study as may be selected by the *ex-officio* members of the Academic Council.

(2) The Academic Council as constituted under sub-clause (1) shall co-opt as members teachers of the University not exceeding one-tenth of its numbers as so constituted.

(3) Members other than *ex-officio* members shall hold office for a period of three years :

Provided that teachers of the University co-opted as such shall hold office so long only within the said period as they continue to be teachers of the University.

6. The Academic Council shall have the Powers of the following powers, namely :—
Academic Council.

- (a) to make proposals to the Executive Council for the institution of Professorships, Readerships, Lectureships or other teaching posts, and in regard to the duties and emoluments thereof ;
- (b) to make Regulations for, and to award in accordance with such Regulations, Fellowships, Scholarships, Exhibitions, bursaries, medals and other rewards ;
- (c) to recommend examiners for appointment after report from the Faculties concerned ;
- (d) to control the University Library, to frame Regulations regarding its use, and to appoint a Library Committee under the general control of the Academic Council to manage the affairs of the Library ;
- (e) to assign subjects to the Faculties ;
- (f) to assign teachers to the Faculties ;
- (g) to promote research within the University and to require reports on such research from the persons employed thereon ;
- (h) to provide for the inspection of Colleges and Halls in respect of the instruction and discipline therein, and to submit reports thereon to the Executive Council ; and
- (i) to organize the teaching of the University and to control the work of teachers and Colleges.

7. (1) Each Faculty shall consist of—
The Faculties

- (i) the heads of the Departments comprised in the Faculty ;
- (ii) such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council ;

(iii) such teachers of subjects not assigned to the Faculty but having, in the opinion of the Academic Council, an important bearing on those subjects, as may be appointed to the Faculty by the Academic Council ; and

(iv) such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty.

(2) The total number of members of each Faculty shall not exceed, in the case of the Faculties of Arts and Science, twenty-five, and in the case of any other Faculty, fifteen, except with the sanction of the Chancellor given on the request of the Academic Council.

8. Subject to the provisions of the Act, each Faculty shall have the Powers of the following powers, namely :—
Faculties.

- (a) to constitute Committees of Courses and Studies ; and
- (b) to recommend to the Academic Council, after consulting the Committees of Courses and Studies, the names of examiners in subjects assigned to the Faculty.

9. There shall be a Board of Co-ordination composed of the Vice-Chancellor, who shall be Chairman thereof, the Deans of the Faculties and the Registrar, to co-ordinate the teaching of the University, and in particular to co-ordinate the work and time-tables of the various Faculties, and to assign lecture-rooms, laboratories, and other rooms to the Faculties.

10. (1) The Dean of each Faculty shall be the executive officer of the Faculty, and shall preside at its meetings. He shall hold office for three years.

(2) He shall issue the lecture lists of the University in the Departments comprised in the Faculty, and shall be responsible for the conduct of teaching therein.

(3) He shall have the right to be present and to speak at any meeting of any committee of the Faculty, but not to vote unless he is a member of the committee.

11. The appointment of a Warden shall, in the case of a Hall maintained by the University, be made by the Executive Council, and in other cases be subject to the approval of the Executive Council.

12. Every student not residing in a College or Attachment to Col- Hall shall be attached to a leges and Halls. College or Hall for tutorial help and disciplinary supervision and for such other purposes as may be prescribed by the Ordinances.

13. The Court may, on the recommendation of the Executive Council, by a resolution passed with the concurrence of not less than two-thirds of the members voting, withdraw any degree or diploma conferred by the University.

14. (1) All proposals for the conferment of honorary degrees shall be made by the Academic Council to the Executive Council, and shall require the assent of the Court before submission to the Chancellor for confirmation :

Provided that, in cases of urgency, the Chancellor may act on the recommendation of the Executive Council only.

(2) Any honorary degree conferred by the University may, with the previous approval of *two-thirds of the members present at any meeting* of the Court and the sanction of the Chancellor, be withdrawn by the Executive Council.

15. The following persons shall, on payment of such fees as may be prescribed by the Statutes, be entitled to have their names enrolled in the register of registered graduates, namely :—

(a) for a period of five years from the commencement of the Act, all graduates of three years' standing or upwards of any other Indian University incorporated by any law for the time being in force, or of any University in the United Kingdom, who reside *or carry on business* in the Province of Delhi and apply to the University to be granted *ad eundem* degrees of the University; and

(b) all graduates of the University of three years' standing and upwards.

16. There shall be the following officers, namely :—

(i) a Proctor for the maintenance of the general discipline of the University, to

whom the Vice-Chancellor may delegate such of his disciplinary powers as he may think fit; and

(ii) a Librarian for the University Library.

17. (1) *No person shall be appointed or recognized as a teacher of the University except on the nomination of a committee of selection constituted for the purpose as follows, namely :—*

(i) the Vice-Chancellor;

(ii) the Dean of the Faculty concerned;

(iii) two members of the Executive Council selected by the Executive Council;

(iv) two members of the Academic Council selected by the Academic Council on the ground of their special knowledge of, or interest in, the subject or subjects with which the teacher will be concerned;

(v) a representative of the Governing Body of each College; and

(vi) three persons (two of whom shall not be officers of the University) appointed by the Chancellor.

(2) Committees of selection appointed under sub-clause (1) shall report to the Executive Council which shall, if it accepts the nomination of the committee, make the appointment *or confer the recognition, as the case may be*. If the Executive Council does not accept the nomination of the committee, it shall refer the case to the Chancellor, who shall *appoint or recognize such person as he thinks fit*.

H. MONCRIEFF SMITH,
Secretary to the Government of India.

